## FOR PUBLICATION

## UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MARVIN VERNIS SMITH, Petitioner-Appellee,

v.

RAUL LOPEZ, Warden, *Respondent-Appellant*.

No. 12-55860

D.C. No. 8:11-cv-01076-ODW-MRW

ORDER

On Remand From The United States Supreme Court

Filed August 21, 2015

Before: Sidney R. Thomas, Chief Judge, Andrew D. Hurwitz, Circuit Judge, and Ralph R. Beistline,\* Chief District Judge.

## ORDER

In accordance with the Opinion of the Supreme Court in *Lopez v. Smith*, 574 U.S. \_\_\_\_, 135 S. Ct. 1 (2014) (per curiam), the judgment of the district court granting Smith's petition for a writ of habeas corpus is **REVERSED**, and the matter is **REMANDED** for proceedings consistent with the Supreme Court's opinion.

<sup>\*</sup> The Honorable Ralph R. Beistline, Chief District Judge for the U.S. District Court for the District of Alaska, sitting by designation.